

REMARKS/ARGUMENTS:

Applicant respectfully request reconsideration of the present application in view of the above amendments and the remarks below.

Pending claims 1-13 are rejected.

The Prior Art Rejections

The Examiner rejects claims 1-13 under 35 U.S.C. §103 over U.S. Patent No. 5,720,026 in view of Levy et al, *Incremental Recovery in Main Memory Database Systems*.

Claim 1 requires a method for incrementally backing up data including identifying tracks of a logically represented volume that have changed since a last incremental backup operation and *identifying files for incremental backup* comprising blocks saved on a track deemed changed since a last incremental backup operation. As described in the specification in paragraph [0036], with this arrangement identified files can include *blocks on a track deemed changed*, as well as *blocks that were not deemed changed* since the last incremental backup. That is, *files* are backed up, not just blocks.

In contrast, Uemura discloses an incremental backup system having a storage unit that is accessed in block units for storing data to be backed up. As noted by the Examiner, the system includes a "difference management mechanism for managing difference data in disk blocks." (col. 4, lines 44-45). As shown in Figure 6 of Uemura, for each *block* the generation in which it is backed up is noted. Uemura simply does not contemplate *identifying files* for incremental backup as required by claim 1.

It should be noted that Figure 7 of Uemura shows overlap since two days of difference block data is backed up to "cope with an unexpected fault on the tape unit." This is completely different than the claimed incremental file backup, which can include changed and unchanged blocks.

As for Levy, Applicant submits that this reference is not relevant to the claimed invention and does not overcome any of the deficiencies of Uemura described above. Levy, in the portions pointed to by the Examiner, is directed to fast restart after a crash to resume transaction processing as soon as possible while "preserving the *consistency of the database*." (emphasis added). This is in contrast to the method of claim 1 which is directed to *incremental backup and identifying files for incremental backup deemed changed since the last incremental backup*.

In view of the above, Applicant submits that claim 1 is patentably distinguishable over Uemura and/or Levy, taken alone or in combination with each other. For substantially the same reasons, Applicant submits that claims 2-18 are also distinguishable.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

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Respectfully submitted,

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